

patent”) in view of Veiga *et al.* (U.S. Pat. No. 6,458,724) (hereinafter, “the ‘724 patent”). The Office Action argues that the ‘280 patent teaches fabrics used in a variety of applications, such as clothing, comprised of woven or non-woven polyamide fabrics having interstitial spaces wherein particles, such as UV absorbing particles, may lie. The Office Action confides that the ‘280 patent fails to suggest the use of silicone as this coating, and argues that the ‘724 patent discloses a woven fabric (warp and weft) comprising polyamide or polyester yarns with multiple coatings of silicone to form an airbag. The Office Action further argues that a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the composite of the ‘280 patent in the composite of the ‘724 patent since one would have been motivated by the reasoned expectation of providing an airbag with superior UV blocking properties.

Claim 11 is patentable over the ‘280 patent in view of the ‘724 patent because the ‘280 patent in view of the ‘724 patent does not teach or suggest an airbag fabric having a coating or finish of polymeric material that has been applied after the incorporation of at least one crystalline and amorphous particle. The Office Action fails to point out how the combination of the ‘280 patent and the ‘724 patent teaches or suggests the feature of claim 11 that the coating or finish is applied to the fabric after incorporation of at least one crystalline and amorphous particle. A *prima facie* case of obviousness requires the prior art reference (or references when combined) to teach or suggest all the claim limitations (MPEP 2143). Applicant respectfully submits that claim 11 is not obvious over the ‘280 patent in view of the ‘724 patent because the Office Action fails to establish a *prima facie* case of obviousness.

Claim 11 is patentable over the '280 patent in view of the '724 patent because the '280 patent in view of the '724 patent does not teach or suggest particles providing a static friction at the intersection between the warp and weft threads that is at least 5% greater than that of an untreated fabric having the same construction. The Office Action argues that the presence of even a miniscule amount of silica within the interstices of the fabric would provide at least some percentage of increased static friction within the composite when compared to a fabric that has no such additive. Not only does the Office Action fail to provide any support for this argument, but "some percentage" does not teach or suggest the feature of claim 11 reciting a static friction of at least 5%.

The Office Action also argues that the working examples of the '280 patent provide several variations in the amount of particles used, and that these variations would provide at least 5% static friction. The Office Action essentially argues that the working examples inherently teach or suggest that variations in the amount of particles used would provide at least 5% static friction. In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art (MPEP 2112). The fact that the working examples provide several variations in the amount of particles used is not a technical reason to support the argument that the examples inherently teach or suggest a woven fabric having at least 5% static friction.

It further appears that the Office Action is taking Official Notice and/or is basing the assertion on common knowledge that the working examples of the '280

patent teaches or suggests variations in the amount of particles that would provide at least 5% static friction. According to MPEP 2144.03, the Office Action must support this assertion with adequate evidence. Applicant respectfully submits that a citation to the working examples of the '280 patent is not adequate evidence, and requests that a more thorough explanation or reason be given. Accordingly, Applicant respectfully submits that claim 11 is patentable over the '280 patent in view of the '724 patent because the '280 patent in view of the '724 patent does not teach or suggest particles providing a static friction at the intersection between the warp and weft threads that is at least 5% greater than that of an untreated fabric having the same construction.

Claim 11 is also patentable over the '280 patent in view of the '724 patent because there is no motivation or suggestion to combine the teachings of the '280 patent with the teachings of the '724 patent. As discussed above, the Office Action argues that a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the composite of the '280 patent in the composite of the '724 patent since one would have been motivated by the reasoned expectation of providing an airbag with superior UV blocking properties. Providing an airbag with superior UV blocking properties is not a motivation to combine the teachings of the '280 patent with the teachings of the '724 patent to teach the feature of claim 11.

One having ordinary skill in the art would know that an airbag is hidden behind a panel or cover, behind a door frame, behind the roof, or behind the covered central part of a steering wheel. Moreover, one having ordinary skill in the art would know

that any airbag is covered lifelong in the dark, and that the only opportunity for an airbag to come into contact with visible light comprising UV irradiation is a vehicle accident in which the airbag is actuated. It would not be obvious for a person having ordinary skill in the art to look for UV blocking fabrics in order to resolve the problem of increasing the static friction between warp and weft threads because an airbag never comes into contact with visible light after having been mounted into a car. Applicant respectfully submits that claim 11 is patentable over the '280 patent in view of the '724 patent because a person having ordinary skill in the art, knowing that UV blocking properties are not an issue with airbags and airbag fabrics, would not have been motivated to combine the teachings of the '280 patent with the teachings of the '724 patent.

Claim 11 is also patentable over the '280 patent in view of the '724 patent because the '280 patent teaches away from the feature of claim 11 reciting a coating or finish of polymeric material that has been applied after the incorporation of at least one crystalline and amorphous particle. The '280 patent discloses that a coating or finish of polymeric material is applied *simultaneous with* the incorporation of the UV blocking particles. For example, the '280 patent discloses that the binder may be incorporated into the fabric by mixing the UV blocking particles in a fluidic medium and then passing individual fibers or threads through the medium such that the particles are introduced onto and/or into the fibers to form the fabric (col. 5, ll. 28-35). Additionally, Examples 1-14 of the '280 patent disclose a coating or finish of polymeric material is applied *simultaneous with* the incorporation of the UV blocking particles. Accordingly, Applicant respectfully submits that claim 11 is patentable

over the '280 patent in view of the '724 patent because the '280 patent teaches away from the feature of claim 11 reciting a coating or finish of polymeric material that has been applied after the incorporation of at least one crystalline and amorphous particle.

Claim 12 is patentable over the '280 patent in view of the '724 patent because the '280 patent in view of the '724 patent does not teach or suggest particles providing a static friction at the intersection between the warp and weft threads that is at least 5% greater than that of an untreated fabric having the same construction. The Office Action argues that the presence of even a miniscule amount of silica within the interstices of the fabric would provide at least some percentage of increased static friction within the composite when compared to a fabric that has no such additive. Not only does the Office Action fail to provide any support for this argument, but "some percentage" does not teach or suggest the feature of claim 12 reciting a static friction of at least 5%.

The Office Action also argues that the working examples of the '280 patent provide several variations in the amount of particles used, and that these variations would provide at least 5% static friction. The Office Action essentially argues that the working examples inherently teach or suggest that variations in the amount of particles used would provide at least 5% static friction. In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art (MPEP 2112). The fact that the working examples provide several variations in the amount of particles used

is not a technical reason to support the argument that the examples inherently teach or suggest a woven fabric having at least 5% static friction.

It further appears that the Office Action is taking Official Notice and/or is basing the assertion on common knowledge that the working examples of the '280 patent teaches or suggests variations in the amount of particles that would provide at least 5% static friction. According to MPEP 2144.03, the Office Action must support this assertion with adequate evidence. Applicant respectfully submits that a citation to the working examples of the '280 patent is not adequate evidence, and requests that a more thorough explanation or reason be given. Accordingly, Applicant respectfully submits that claim 12 is patentable over the '280 patent in view of the '724 patent because the '280 patent in view of the '724 patent does not teach or suggest particles providing a static friction at the intersection between the warp and weft threads that is at least 5% greater than that of an untreated fabric having the same construction.

Claim 12 is also patentable over the '280 patent in view of the '724 patent because there is no motivation or suggestion to combine the teachings of the '280 patent with the teachings of the '724 patent. As discussed above, the Office Action argues that a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the composite of the '280 patent in the composite of the '724 patent since one would have been motivated by the reasoned expectation of providing an airbag with superior UV blocking properties. Providing an airbag with superior UV blocking properties is not a motivation to

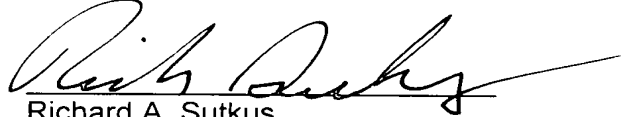
combine the teachings of the '280 patent with the teachings of the '724 patent to teach the feature of claim 12.

One having ordinary skill in the art would know that an airbag is hidden behind a panel or cover, behind a door frame, behind the roof, or behind the covered central part of a steering wheel. Moreover, one having ordinary skill in the art would know that any airbag is covered lifelong in the dark, and that the only opportunity for an airbag to come into contact with visible light comprising UV irradiation is a vehicle accident in which the airbag is actuated. It would not be obvious for a person having ordinary skill in the art to look for UV blocking fabrics in order to resolve the problem of increasing the static friction between warp and weft threads because an airbag never comes into contact with visible light after having been mounted into a car. Applicant respectfully submits that claim 12 is patentable over the '280 patent in view of the '724 patent because a person having ordinary skill in the art, knowing that UV blocking properties are not an issue with airbags and airbag fabrics, would not have been motivated to combine the teachings of the '280 patent with the teachings of the '724 patent.

Accordingly, Applicant respectfully requests that the 35 U.S.C. §103(a) rejection of claims 11 and 12 be withdrawn because the '280 patent in view of the '724 patent neither teaches nor suggests all the limitations of claims 11 and 12, nor provides any motivation or suggestion to combine the teachings of the '280 patent with the teachings of the '724 patent. Additionally, because claims 3-9 and 19-20 depend directly from claim 11, Applicant respectfully requests that the 35 U.S.C. §103(a) rejection of claims 3-9 and 19-20 also be withdrawn.

Please charge any deficiency or credit any overpayment in the fees for this  
matter to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rich Sutkus", written over a horizontal line.

Richard A. Sutkus  
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